HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.7351 of 1999

Dated 4th day of April, 2007

Between:

Dharavath Mangya ..
Petitioner

And

The Govt. of A.P.
Revenue Dept., rep. by its Secretary,
Secretariat, Hyderabad
and two others ..
Respondents

O R D E R:

This writ petition is filed seeking a mandamus to declare the action of the 1st respondent in alienating or assigning the land admeasuring Ac.89.08 guntas in S.Nos.251, 256 and 262 situated in Sarapaka village in favour of the 3rd respondent vide his Memo dated 12.2.1997, as arbitrary and illegal.

The brief facts of the case are that the petitioner was granted a patta in respect of Ac.01.00 cents of land in S.No.262 situated in Sarapaka village, Burgampahad Mandal, Khammam District and he is in possession and enjoyment of it. Now, his grievance is that in pursuance of the 1st respondent's Memo dated 12.2.1997, the 2nd and 3rd respondents are trying to dispossess him from his patta land for expansion of a project.

Heard the learned counsel for both the parties.

In spite of the fact that notices were served on the respondents, they have not chosen to file counter affidavit.

This Court, while ordering Rule Nisi suspended the impugned order in respect of alienation of Ac.01.00 cents of land covered by S.No.262 provided the assignment made in favour of the petitioner is still subsisting.

Having regard to the fact that no counter affidavit is filed and the contentions of the learned counsel for the petitioner are not controverted and as there was assignment in favour of the petitioner only with regard to Ac.01.00 cents of land, this Court deems it

appropriate to direct the respondents not to assign or alienate Ac.01.00 cents of land belonging to the petitioner provided his assignment is still subsisting.

With the above direction, the writ petition is disposed of. No costs.

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04.04.2007

bcj